

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 22-CR-20114-KMW**

**UNITED STATES OF AMERICA**

**vs.**

**CARLOS RAMON POLIT FAGGIONI**

**Defendant.**

**OMNIBUS MOTION IN LIMINE**

The United States, by and through undersigned counsel, hereby files the following omnibus motion *in limine* seeking to introduce certain government exhibits into evidence as outlined in the below chart. The government lists below the bases for authentication and the hearsay exception for each of these items in the chart below.<sup>1</sup> By separate filing, the government is submitting a trial brief and memorandum of law outlining in further detail the background and legal bases for admission of the listed exhibits.

<b>GX</b>	<b>Description</b>	<b>Authentication</b>	<b>Hearsay Exception</b>
1-1	Comptroller General's Office ("CGE") Resolution 2446	901(b)(1)	803(8)(A) - record or statement of public office
1-2	CGE Resolution 2448	901(b)(1)	803(8)(A) - record or statement of public office
1-3	CGE Resolution 2449	901(b)(1)	803(8)(A) - record or statement of public office
1-4	CGE Resolution 2450	901(b)(1)	803(8)(A) - record or statement of public office

---

<sup>1</sup> The government produced an updated exhibit list to defense counsel on February 28, 2024, including the government's intended bases for authentication and admissibility of each exhibit. To date, the government has not received a response. The government anticipates further discussions with defense counsel to narrow the issues addressed herein. If the parties can do so, the government will alert the court as soon as possible.

<b>GX</b>	<b>Description</b>	<b>Authentication</b>	<b>Hearsay Exception</b>
1-5	CGE Resolution 2451	901(b)(1)	803(8)(A) - record or statement of public office
1-6	CGE Resolution 2452	901(b)(1)	803(8)(A) - record or statement of public office
1-7	CGE Resolution 2453	901(b)(1)	803(8)(A) - record or statement of public office
1-8	CGE Resolution 2454	901(b)(1)	803(8)(A) - record or statement of public office
1-9	CGE Resolution 2599	901(b)(1)	803(8)(A) - record or statement of public office
1-10	Recording on July 23, 2016 of Carlos Polit	901(b)(1)	801(d)(2)(A) - party opp.
1-11	Text Message Between Odebrecht Manager and Polit	901(b)(1)	801(d)(2)(A) - party opp.
1-12	Handwritten Note with Bank Account Info	901(b)(1)	801(d)(2)(A) - party opp. 801(d)(2)(D) - party's agent 801(d)(2)(E) - co-conspirator statement 803(6) – business record
2-1	Spreadsheet of Odebrecht Employee	901(b)(1)	803(6) - business record 801(d)(2)(E) - co-conspirator statement
2-2	Spreadsheet of Odebrecht Employee	901(b)(1)	803(6) - business record 801(d)(2)(E) - co-conspirator statement
2-4	Spreadsheet of Odebrecht Employee	901(b)(1)	803(6) - business record 801(d)(2)(E) - co-conspirator statement
2-5	Spreadsheet of Odebrecht Employee	901(b)(1)	803(6) - business record 801(d)(2)(E) - co-conspirator statement
3-1, 3-1A	April 2, 2014 Email from Odebrecht Employee A to Employee B	901(b)(1)	803(6) - business record 801(d)(2)(E) - co-conspirator statement
3-2, 3-2A	May 13, 2014 Email from Odebrecht Employee A to Employee B	901(b)(1)	803(6) - business record 801(d)(2)(E) - co-conspirator statement
3-3, 3-3A	May 20, 2014 Email from Odebrecht Employee A to Employee B	901(b)(1)	803(6) - business record 801(d)(2)(E) - co-conspirator statement

<b>GX</b>	<b>Description</b>	<b>Authentication</b>	<b>Hearsay Exception</b>
3-4, 3-4A	August 29, 2014 Email from Odebrecht Employee A to Employee B	901(b)(1)	803(6) - business record 801(d)(2)(E) - co-conspirator statement
3-5, 3-5A	September 8, 2014 Email from Odebrecht Employee A to Employee B	901(b)(1)	803(6) - business record 801(d)(2)(E) - co-conspirator statement
3-6, 3-6A	October 7, 2014 Email from Odebrecht Employee A to Employee B	901(b)(1)	803(6) - business record 801(d)(2)(E) - co-conspirator statement
4-1	March 14, 2014 Email from Loan Recipient to Co-Conspirator 1	902(11)	803(1) - present sense impression 803(6) - business record
4-2	May 11, 2014 Email from Co-Conspirator 1 to Carlos Polit	902(11)	801(d)(2)(E) - co-conspirator statement
4-3	May 14, 2014 Email from Carlos Polit to Co-Conspirator 1	902(11)	801(d)(2)(A) - party opp.
4-4	August 19, 2016 Email from Loan Recipient to Co-Conspirator 1	902(11)	803(6) - business record
4-5	September 14, 2016 Email from Co-Conspirator 1 to Loan Recipient	902(11)	801(d)(2)(E) - co-conspirator statement
4-6, 4-6A	October 7, 2016 Email from Loan Recipient to Co-Conspirator 1	902(11)	803(6) - business record
4-7	Plastiquim Bank Records	18 U.S.C. § 3505	18 U.S.C. § 3505
4-8	Plastiquim Promissory Note to Venture Overseas	901(b)(1)	Advisory Note to 801(c) - verbal act affecting legal right of parties
4-9	WhatsApp Chat with Co-Conspirator 1	901(b)(1)	801(d)(2)(E) - co-conspirator statement
4-10	Loan Recipient Spreadsheet for 395K Loan	901(b)(1)	803(6) - business record
4-11	Loan Recipient Spreadsheet for 700K Loan	901(b)(1)	803(6) - business record
5-1	Italcom Promissory Notes to Venture Overseas	901(b)(1) /18 U.S.C. § 3505	Advisory Note to 801(c) - verbal act affecting legal right of parties
5-2	Cosani Promissory Notes to Venture Overseas	901(b)(1) /18 U.S.C. § 3505	Advisory Note to 801(c) - verbal act affecting legal right of parties

<b>GX</b>	<b>Description</b>	<b>Authentication</b>	<b>Hearsay Exception</b>
5-3	November 22, 2013 Email from Co-Conspirator 1 to Loan Recipient	902(11)	803(6) - business record
6-1	November 22, 2014 Email from Co-Conspirator 1 to Loan Recipient	902(11)	801(d)(2)(E) - co-conspirator statement 803(6) - business record
6-2, 6-2A	January 28, 2015 Email from Loan Recipient to Co-Conspirator 1	902(11)	803(6) - business record
6-3	Italcom Bank Records	18 U.S.C. § 3505	18 U.S.C. § 3505
6-4	Italcom wire details	18 U.S.C. § 3505	18 U.S.C. § 3505
7-1	March 26, 2014 Email from Loan Recipient Assistant to Co-Conspirator 1	902(11)	803(6) - business record
7-2, 7-2A	September 28, 2015 Email from Co-Conspirator 1 to Loan Recipient Assistant	902(11)	801(d)(2)(E) - co-conspirator statement 803(6) - business record
7-3	April 26, 2016 Email from Co-Conspirator 1 to Co-Conspirator 1	902(11)	801(d)(2)(E) - co-conspirator statement 803(6) - business record
7-4	Cosani Bank Records	18 U.S.C. § 3505	18 U.S.C. § 3505
8-1	WhatsApp Chat between Co-Conspirator 1 and Employee of Co-Conspirator 1	901(b)(1)	801(d)(2)(E) - co-conspirator statement
8-2	State of Florida Records -- American Land Investment & Development	902(4)	803(8)(A) - record or statement of public office
8-3	State of Florida Records -- Kuadra LLC	902(4)	803(8)(A) - record or statement of public office
8-4	May 4, 2015 Email from Co-Conspirator 1 Employee to Another Co-Conspirator 1 Employee	901(b)(1)	803(6) - business record
8-5, 8-5A and B	April 30, 2013 Email from Co-Conspirator 1 to Co-Conspirator 1	902(11)	801(d)(2)(E) - co-conspirator statement 803(6) - business record
8-6, 8-6A	September 20, 2013 Email from Relative of Defendant	902(11)	801(d)(2)(E) - co-conspirator statement

<b>GX</b>	<b>Description</b>	<b>Authentication</b>	<b>Hearsay Exception</b>
8-7, 8-7A	April 19, 2014 Email from Co-Conspirator 1 to Relative of Defendant	902(11)	801(d)(2)(E) - co-conspirator statement
8-8, 8-8A	August 27, 2014 Email from Co-Conspirator 1 to Co-Conspirator 1	902(11)	801(d)(2)(E) - co-conspirator statement
8-9, 8-9A	October 14, 2014 Email from Co-Conspirator 1 to Co-Conspirator 1	902(11)	801(d)(2)(E) - co-conspirator statement
8-10	1902 SW 22nd St Contract	901(b)(1)	Advisory Note to 801(c) - verbal act affecting legal right of parties
8-11	7233 Los Pinos Purchase Contract	901(b)(1)	Advisory Note to 801(c) - verbal act affecting legal right of parties
9-1, 9-1A-C	August 7, 2015 Email from Employee of Co-Conspirator 1 to Co-Conspirator 1	902(11)	803(6) - business record
9-2	State of Florida Records -- Invecon LLC	902(4)	803(8)(A) - record or statement of public office
9-3	State of Florida Records -- JC Funds LLC	902(4)	803(8)(A) - record or statement of public office
9-4	State of Florida Records -- Los Pinos Home LLC	902(4)	803(8)(A) - record or statement of public office
9-5	Los Pinos Home LLC sale settlement papers	902(11)	Advisory Note to 801(c) - verbal act affecting legal right of parties
9-6	Los Pinos Home LLC accounting opening documents	902(11)	Advisory Note to 801(c) - verbal act affecting legal right of parties
9-7	Los Pinos HUD (purchase) - buyer signed	901(b)(1)	Advisory Note to 801(c) - verbal act affecting legal right of parties
9-8	Los Pinos HUD (purchase) - seller signed	901(b)(1)	Advisory Note to 801(c) - verbal act affecting legal right of parties
10-1	Merrill Lynch -- Insurance Broker Account	902(11)	803(6) - business record
10-2	Merrill Lynch -- Insurance Broker Account	902(11)	803(6) - business record
10-4	October 15, 2020 Recording of Carlos Polit	901(b)(1)	801(d)(2)(A) - party opp.

<b>GX</b>	<b>Description</b>	<b>Authentication</b>	<b>Hearsay Exception</b>
11-1	March 31, 2015 Email from Ignacio Lachaga to Co-Conspirator 1	902(11)	801(d)(2)(E) - co-conspirator statement
11-2	January 11, 2016 Email from Carlos Polit to Ignacio Lachaga	902(11)	801(d)(2)(A) - party opp.
11-3	April 18, 2016 Email from Carlos Polit to Ignacio Lachaga	902(11)	801(d)(2)(A) - party opp.
11-4	Travel Records	902(11)	803(6) - business record
11-5	Ecuadorian State Attorney General's Office Press Release Re: Albacora Judgment	Agent	803(8)(A) - record or statement of public office
12-1	Suntrust Bank -- Venture Overseas Account (7442)	902(11)	803(6) - business record
12-2	Suntrust Bank -- Venture Overseas Account (0434)	902(11)	803(6) - business record
12-3	Suntrust Bank -- American Land Investment & Development	902(11)	803(6) - business record
12-4	Suntrust Bank -- Invecon Account	902(11)	803(6) - business record
12-5	Suntrust Bank - Kuadra Account (2004)	902(11)	803(6) - business record
12-6	Suntrust Bank - Kuadra Account (2483)	902(11)	803(6) - business record
12-7	Suntrust Bank -- JC Funds Account (4600)	902(11)	803(6) - business record
12-8	City National -- JC Funds Account (1275)	902(11)	803(6) - business record
12-9	Insurance Broker Account Wire Details	902(11)	803(6) - business record
12-10	City National -- Los Pinos Home (3202)	902(11)	803(6) - business record
12-11	Bank of Am. -- Thomas Kucera (0819)	902(11)	803(6) - business record
12-12	Bank of Am. -- Thomas Kucera (9758)	902(11)	803(6) - business record
12-13	Suntrust Bank - Venture Overseas (7442) 2011-2013	902(11)	803(6) - business record
12-14	Suntrust Bank - Venture Overseas (7442) checks 2011	902(11)	803(6) - business record

<b>GX</b>	<b>Description</b>	<b>Authentication</b>	<b>Hearsay Exception</b>
12-15	Suntrust Bank - Venture Overseas	902(11)	803(6) - business record
13-1, 13-1A	March 3, 2016 email from Co-Conspirator 1 to Employee of Co-Conspirator 1	902(11)	801(d)(2)(E) - co-conspirator statement
13-3	March 4, 2016 email from Co-Conspirator 1 to Assistant of Insurance Broker	902(11)	801(d)(2)(E) - co-conspirator statement
13-4	1900 Office Building HUD	901(b)(1)	Advisory Note to 801(c) - verbal act affecting legal right of parties
13-5	State of Florida Records -- 1900 Office Building	902(4)	803(8)(A) - record or statement of public office
13-6	1900 Office Building photo	901(b)(1)	
14-2	Select Engineering Account Records	901(b)(1)	803(6) - business record
20-1, 20-1A	January 5, 2016 email from Carlos Polit to Pedro Solines	902(11)	801(d)(2)(A) - party opp.
20-2	January 11, 2016 Email from Carlos Polit to Ignacio Lachaga	902(11)	801(d)(2)(A) - party opp.
20-3, 20-3A	April 28, 2016 Email from Carlos Polit to Pedro Solines	902(11)	801(d)(2)(A) - party opp.

The United States respectfully requests leave to file a motion in limine to admit additional exhibits as needed.

Respectfully submitted,

MARKENZY LAPOINTE  
UNITED STATES ATTORNEY

By: s/Michael N. Berger  
Michael N. Berger  
Assistant United States Attorney  
Court No. A5501557  
99 Northeast 4th Street  
Miami, Florida 33132  
(305) 961-9445  
Michael.Berger2@usdoj.gov

GLENN LEON  
CHIEF, FRAUD SECTION  
Criminal Division  
U.S. Department of Justice

By: /s/ Jil Simon  
Jil Simon  
Trial Attorney  
Alexander Kramer  
Assistant Chief  
Criminal Division, Fraud Section  
U.S. Department of Justice  
Court ID No. A5502756  
1400 New York Ave. NW  
Washington, DC 20005  
Tel: (202) 514-3257  
Email: Jil.Simon@usdoj.gov



**CERTIFICATE OF SERVICE**

I hereby certify that on March 4, 2024, a copy of the foregoing brief was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

By: s/Michael N. Berger  
Michael N. Berger  
Assistant United States Attorney